

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

|                                     |   |                          |
|-------------------------------------|---|--------------------------|
| Nicole Harris Bey,                  | ) | Case No.: 4:24-CV-939-JD |
|                                     | ) |                          |
| Plaintiff,                          | ) |                          |
|                                     | ) |                          |
| vs.                                 | ) |                          |
|                                     | ) | <b>OPINION AND ORDER</b> |
| South Carolina Department of Social | ) |                          |
| Services, Constance Leaks, Whitney  | ) |                          |
| Warren, and Melanie McMillian,      | ) |                          |
|                                     | ) |                          |
| Defendants.                         | ) |                          |

---

This matter is before the Court with the Report and Recommendation (“Report”) of United States Magistrate Judge Kaymani D. West (DE 49), made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) of the District of South Carolina regarding several motions by the parties.<sup>1</sup>

**A. Background**

Defendant South Carolina Department of Social Services (“DSS”) and individual defendants Constance Leaks, Whitney Warren, and Melanie McMillian (“Individual Defendants”) (collectively “Defendants”) move to File a Response Out of Time (DE 35) and move to dismiss (DE 36) Plaintiff Nicole Harris Bey’s (“Plaintiff” or “Bey”) complaint. In the alternative, Bey moves for Judgment on the Pleadings

---

<sup>1</sup> The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

(DE 45), which she filed in tandem with her opposition to Defendants’ dispositive motion (DE 44.)

Plaintiff’s allegations generally hinge on actions of DSS, through the Individual Defendants and the Marlboro County (South Carolina) Family Court. Plaintiff begins her pleadings by indicating her affiliation with the “Moorish Divine and National Movement of the World,” also sometimes known as the “sovereign citizen” movement. Plaintiff contends that this Court “is the proper venue in order to resolve this civil family matter between members of the Indigenous Moorish American Nation and a citizen(s) of the Foreign UNITED STATES OF AMERICA Corporation.” (DE 15 at 2-5.) Plaintiff also contends that the Marlboro County Family Court “lacks authority as the alleged defendants (artificial persons) GABRIELLE WRIGHT and DARIAN WILLIAMS do not have and have not held at any point in time a bona fid[e] contract implied or otherwise between the parties.” (*Id.* at 3.) Plaintiff alleges violation of her Fourth and Fifth Amendment constitutional rights (DE 15 at 2-3) and references the “Treaty of Peace and Friendship Between Morocco and the United States.” (*Id.* at 7, 11-13.)

## **B. Report and Recommendation**

On October 4, 2024, the Magistrate Judge issued the Report recommending that this Court grant Defendants’ Motion to File Out of Time (DE 35) and Defendants’ Motion to Dismiss (DE 36). On the other hand, the Report recommends denying Plaintiff’s Motion for Judgment on the Pleadings (DE 45) and dismissing this case. (DE 49 at 2.) Plaintiff did not object to the Report.

### **C. Legal Standard**

In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).


### **D. Conclusion**

Since Bey has not objected, after a thorough review of the Report and Recommendation and the record in this case, the Court finds no clear error on the face of the record. Thus, the Court adopts the Report (DE 49) and incorporates it here by reference.

It is, therefore, ORDERED that Defendants’ Motion to File Out of Time is granted, Defendants’ Motion to Dismiss is granted, and Plaintiff’s Motion for Judgment on the Pleadings is denied.

**IT IS SO ORDERED.**

November 5, 2024  
Florence, South Carolina

  
Joseph Dawson, III  
United States District Judge

### **NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.